



PUBLIC NOTICE

Federal Communications Commission
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**TRIANGLE COMMUNICATION SYSTEM, INC. AND CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS HAVE FILED A LONG-TERM SPECTRUM MANAGER LEASING
NOTIFICATION INVOLVING AN UPPER 700 MHZ C BLOCK LICENSE IN MONTANA**

WT Docket No. 15-210

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: October 22, 2015
Oppositions Due: October 29, 2015
Replies Due: November 5, 2015

I. INTRODUCTION

Triangle Communication System, Inc. (“Triangle”) and Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless,” and together with Triangle, the “Applicants”) have filed, pursuant to section 310(d) of the Communications Act of 1934, as amended,¹ a long-term spectrum manager leasing notification. Triangle would lease from Verizon Wireless spectrum under one partitioned Upper 700 MHz C Block license in parts of Montana.

The Applicants assert in the Public Interest Statement of the application that the proposed spectrum leasing arrangement would allow Triangle to expedite the availability of wireless broadband service in a large portion of its service area and provide new broadband service in rural areas to customers of both Triangle and Verizon Wireless in parts of two Cellular Market Areas (“CMAs”): CMA 524 (Montana 2 – Toole) and CMA 525 (Montana 3 – Phillips).²

Our preliminary review of the Public Interest Statement indicates that, as a result of the proposed lease, Triangle would lease 22 megahertz of Upper 700 MHz C Block spectrum in five counties in total in parts of these two CMAs. Post-transaction, Triangle would be attributed with 76 to 101 megahertz of spectrum in total, including 46 megahertz to 71 megahertz of below-1-GHz spectrum.

In the *Mobile Spectrum Holdings Report and Order*, the Commission determined that increased aggregation of below-1-GHz spectrum would be treated as an “enhanced factor” under its case-by-case review of proposed transactions, if post-transaction, the entity would hold more than one-third of the currently suitable and available below-1-GHz spectrum.³ The *Mobile Spectrum Holdings Report and*

¹ 47 U.S.C. § 310(d).

² See Notification of Triangle Communication System, Inc. and Cellco Partnership d/b/a Verizon Wireless for a Long-Term Spectrum Manager Leasing Arrangement, ULS File No. 0006824167, Ex. 1 – Summary and Public Interest Statement at 1, 3 (filed June 2, 2015; amended June 23, 2015) (“Public Interest Statement”).

³ See Policies Regarding Mobile Spectrum Holdings; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, WT Docket No. 12-269, GN Docket No. 12-268, *Report and Order*, 29 FCC (continued....)

Order also requires that, where the entity acquiring below-1-GHz spectrum already holds approximately one-third or more of the below-1-GHz spectrum in a particular market, the demonstration of the public interest benefits of the proposed transaction would need to clearly outweigh the potential public interest harms, irrespective of other factors.⁴ As a result of the proposed lease, Triangle would be attributed with more than 45 megahertz of the 134 megahertz of currently suitable and available below-1-GHz spectrum in all five counties. Specifically, in Chouteau county in Montana 2 – Toole and in Phillips county in Montana 3 – Phillips, Triangle would be attributed with 46 megahertz and 59 megahertz of below-1-GHz spectrum, respectively. In Blaine, Hill, and Liberty counties in Montana 2 – Toole, Triangle is already attributed with 49 megahertz of below-1-GHz spectrum and would further increase its low-band spectrum holdings to 71 megahertz post-transaction.

II. SECTION 310(d) APPLICATION

The application for the long-term spectrum manager lease has the following file number:

<u>File No.</u>	<u>Licensee/Lessor</u>	<u>Lessee</u>	<u>Lead Call Sign</u>
0006824167	Cellco Partnership	Triangle Communication System, Inc.	WQJQ694

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission’s rules,⁵ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission’s rules.⁶

Parties making oral *ex parte* presentations are directed to the Commission’s *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.⁷ More than a one- or two-sentence description of the views and arguments presented is generally required.⁸ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁹

IV. GENERAL INFORMATION

The long-term spectrum manager leasing application has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules or policies.

Interested parties must file petitions to deny no later than **October 22, 2015**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order,

(Continued from previous page) _____
6133, 6240 ¶¶ 286-88 (2014) (“*Mobile Spectrum Holdings Report and Order*”), *recon. denied*, *Order on Reconsideration*, FCC 15-79 (rel. Aug. 11, 2015).

⁴ See *Mobile Spectrum Holdings Report and Order*, 29 FCC at 6240 ¶ 287.

⁵ 47 C.F.R. § 1.1200(a).

⁶ 47 C.F.R. § 1.1206.

⁷ See 47 C.F.R. § 1.1206(b)(1).

⁸ See *id.*

⁹ 47 C.F.R. § 1.1206(b).

seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **October 29, 2015**. Replies to such pleadings must be filed no later than **November 5, 2015**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 15-210.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁰ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission's current procedures for the submission of filings and other documents,¹¹ submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System ("ECFS") or by hand delivery to the Commission.

- **To file electronically,**¹² comments shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by email.
- **To file by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by email or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@fcc.gov or (202) 418-2643 (facsimile); (2) Kate Matraves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-2643 (facsimile); and (3) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

The application and any associated documents are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The application also is available electronically through ULS, which may be accessed on the Commission's Internet website. To

¹⁰ See 47 C.F.R. § 1.45(c).

¹¹ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

¹² See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov; phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, contact Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Mataves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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